

INITIAL STATEMENT OF REASONS

Title 13, Division 1, Chapter 1 Article 2. Driver Licenses and Identification Cards

The Department of Motor Vehicles (the department) proposes to amend sections 15.00 and 15.03 of Article 2, California Code of Regulations, relating to driver licenses and identification cards.

These amendments will cite federal regulations when defining “lawful permanent residency” as it applies to immigrants who are required to provide the department with proof of legal presence when applying for a driver license or identification card. The Code of Federal Regulations, Title 8, part 1, section 1.1(p) states the following:

“The term *lawfully admitted for permanent residence* means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws.”

By identifying the federal regulation, the department is incorporating the language and standards used by the authorizing federal agency to ensure conformity of state to federal usage of utilized terms.

These amendments will also update references to federal and state entities that have been reorganized and renamed.

§15.00. Information Required to Establish Legal Presence in the United States (U.S.) for Purpose of Determining Eligibility for an Original Driver License or Identification Card.

Subsections (b), (b)(3), and (d) are amended to delete reference to the United States Immigration and Naturalization Service (INS) as that agency is now the Department of Homeland Security (DHS).

Subsection (b) is amended to cite the federal regulation when defining “lawful permanent residency status.” Because it is the exclusive province of the federal government to establish criteria that determine an immigrant’s legal status, the department does not independently create its own legal presence profiles. As a result, by referencing the federal regulation, applicants for a driver license or identification card can rely on a single classification standard as determined by the authorizing federal agency. In addition, the department’s legal presence qualifications are ensured to be consistent with federal standards in determining if the applicant meets minimum application.

Subsection (e)(2) is amended to repeal references to the California Youth Authority (CYA). The former CYA is now the Division of Juvenile Justice and located under the

authority of the California Department of Corrections and Rehabilitation. Since both departments have reorganized, subsection (e)(2) now reflects the CDCR making subsection (e)(3) unnecessary.

Subsections (e)(4 through (e)(8) have all been renumbered due to the repeal of subsection (e)(3) as described above.

§15.03. Terms of Issuance and Restrictions.

Subsection (a) is amended to prevent an applicant from being granted multiple extensions. A license will only be valid for an approved length of time and will expire at the same time as the federally authorized term.

Subsection (b) is amended to prohibit the department from accepting an application for driver license or identification card if the accompanying legal presence documents expire within 61 days of the date of application. Currently, the department prohibits issuance of a driver license or identification card when the accompanying legal presence document is termed to expire within 61 days of the date of application. While current regulations prohibit issuance, it does not preclude the department from accepting an application when legal presence documents are about to expire. Under this process, the department's field office staff would accept an application and send it pending to the file. The application is sent pending until the accompanying legal presence documents expire. Both instances cost the field office staff, as well as the public time and money. This amendment will prohibit the department from accepting an application when the accompanying legal presence documents are termed to expire within 61 days of the date of application, thereby removing the problem altogether.

Subsection (e) is amended to allow the department to issue a driver license or identification card when federal legal presence documents lack an expiration date. Currently, department issued driver license or identification cards are termed to expire on the same day as the expiration date on the valid federal document used to prove the applicant's legal presence. However, there are no specific instructions for issuing a driver license or identification card when the federal legal presence documents lack an expiration date. This amendment is necessary to ensure department records are current, but to also ensure that federal records are current. By only allowing a driver license to be valid until the federal document expires, the applicant will be compelled to renew his status with the federal government in order to update records with the department and subsequently receive a driver license.

Subsection (e) is amended to delete reference to the INS (Immigration and Naturalization Service) as that agency is now the Department of Homeland Security (DHS).